IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1225 OF 2006

IN

CRIMINAL APPEAL NO. 1152 OF 2006

1) Machindra Ramnath Ippardas } ... Applicants
2) Dattatraya Ramnath Ippardas }

Versus

The State of Maharashtra } ... Respondents

Mr. Sandeep Shinde with Mr. Vinod Shah for the Applicants.
Mr. S.V. More, APP for the Respondents.

CORAM : A.S. OKA, J.

DATE : 8TH DECEMBER 2006

P.C.

1) The conviction of the applicants is for offences punishable under Sections 306 and 498-A of the Indian Penal Code. The substantive sentences are directed to run concurrently. The maximum substantive sentence is rigorous imprisonment for 7 years. The applicants were on bail during the pendency of the trial and there is no allegation against them of

mis-use of liberty.

2) My attention has been invited to the evidence on record. The report of the Chemical Analyser shows that no poison was detected in the viscera. The cause of death given by the Medical Officer is on the basis of consumption of insecticides by the deceased. Apart from this aspect, the learned trial Judge himself has recorded a finding that the incident of cruelty alleged by PW 1 who was the father of deceased had taken place eight months prior to the death. Considering peculiar facts of the case and the fact that the applicants were on bail pending the trial, they are entitled to enlarged on bail.

3) Hence, application is disposed of by passing following order :

(i) Applicants shall be enlarged on the same bail on which they were enlarged during the pendency of the trial subject to filing of fresh bail bonds.

(ii) Bail is granted subject to condition that applicants will report to Lasalgaon Police Station, Taluka Niphad, District Nasik on every first Saturday of every calander month till the disposal of the case.

(A.S. OKA, J.)